

**Statement of
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United States Department of Agriculture**

**Subcommittee on Public Lands and Forests
Committee on Energy and Natural Resources
United States Senate**

**on
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Concerning

**S. 691 Washoe Tribe Conveyance
S. 1240 American Fork Canyon Land Exchange**

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today. I am Abigail Kimbell, Acting Associate Deputy Chief for the National Forest System, USDA Forest Service. I am testifying today on S. 691, a bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California, and S. 1240, a bill to provide for the acquisition of land and construction of an interagency administrative and visitor facility at the entrance to American Fork Canyon, Utah.

The Department supports and is facilitating the use by the Washoe Tribe of their historical lands for the purposes identified in S. 691. However, the Administration has not completed its review of the bill. Once this review is completed, we will provide the Committee with a formal position on the bill. Until that time, we strongly urge deferral on further action.

The Department supports S. 1240 with a few minor technical corrections and would like to thank Senator Bennett for introducing this bill. S. 1240 will authorize the acquisition of land for much needed administrative and visitor facilities at the gateway to popular recreation destinations in American Fork Canyon, Utah.

S. 691 - Washoe Tribe Conveyance

S. 691 directs the Secretary of Agriculture to convey 24.3 acres of national forest system land within the Lake Tahoe Basin Management Unit to the Secretary of the Interior to be held in trust for the Washoe Indian Tribe of Nevada and California. The conveyance would be subject to a reservation of a non-exclusive easement on a forest road to continue public and administrative access to adjacent national forest system land. In addition, the bill would grant vehicular access over a forest road to the parcel by tribal members under certain circumstances. The transfer would occur without consideration.

S. 691 limits the use of the land by the Washoe Tribe to traditional and customary uses, prohibits permanent residential or recreational development, prohibits commercial development, and requires compliance with environmental standards. The bill provides for reversion of the interest to the Secretary of Agriculture should the tribe violate the use restrictions.

The Administration has not completed its review of S. 691. We recognize that American Indians have special religious and cultural ties to large areas of the Federal lands, and we recognize moral and legal responsibilities to provide access and use for religious and cultural purposes. These responsibilities are addressed in several Federal laws including the American Indian Religious Freedom Act, the Archaeological Resources Protection Act and others.

At present, the Washoe Tribe holds a special use permit with the Forest Service for the uses described in Section 1(b)(2). These uses have been analyzed and approved through our special use permitting process and appear to meet the needs of the Tribe. In addition, consideration of fair market value for the conveyance and reversionary interests are concerns identified by the Department in its preliminary review of this bill. We plan to conduct a more thorough review of the language over the next few weeks, to consult with the Department of the Interior, and explore additional options. Once that review is completed, we would like to work with the Committee and the bill's sponsors to resolve concerns that our review might identify.

S. 1240 - American Fork Canyon Land Exchange

S. 1240 provides for the acquisition of land through an equal value exchange in the State of Utah. Approximately 37 acres of private land near the mouth of American Fork Canyon would be acquired for the construction of administrative and visitor information facilities for the Uinta National Forest and Timpanogos Cave National Monument. The bill identifies five national forest properties in the State of Utah, including bare land parcels and parcels with improvements, that would be exchanged for the 37-acre private land parcel.

The bill requires separate appraisals for each property and authorizes a cash equalization payment in excess of the amount limitation under current law. If cash equalization payments are made to the Secretary, S. 1240 allows the funds to be used to acquire administrative sites within the State of Utah and national forest system lands. S. 1240 also requires the Secretary of the Interior, upon availability of funds, to construct a visitor and administrative facility for the Uinta National Forest and Timpanogos Cave National Monument on the acquired privately owned land.

We would like to work with the Committee to address a few, minor technical concerns with the bill.

Mr. Chairman, we look forward to working with you and the other members of the Committee on these important issues. This concludes my testimony. I would be happy to answer any questions that you may have.